

### REMARKS

Claims 1-23 are currently pending. By this amendment, claim 1 has been amended and claims 5 and 16-23 have been cancelled. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

The Examiner has objected to the Specification for failure to follow the guidelines of 37 CFR 1.77(b). The Specification has been amended to provide the appropriate and conventional titles as used filing U. S. Applications.

The Examiner objected to the disclosure as being incomprehensible and failing to understand the term "negative and positive example". This has been obviated by amendments to claim 1, which are wholly supported by the Specification. The Examiner's attention is directed to the Specification, page 1, lines 10-11 which states "... the viewer usually provides only positive examples, i.e., shows that are actually watched." (*Emphasis added*). It goes without saying that if positive examples are television shows that are actually watched, then negative examples are television shows that are not watched. Since the language of the claims must be read in conjunction with the application, it is believed that phrase "negative and positive example", are sufficiently delineated and explained. Reconsideration of this rejection is therefore requested, as it is currently explained in the Specification which must be considered in construing claim language.

The objection to claims 16-21 has been mooted by cancelling claims 16-23.

The objection under 35 U.S.C. § 101 as nonstatutory subject matter for claim 1 has been obviated by amendments to claim 1, making it clear that claim 1 is a method claim generating recommendations of television programming for a viewer. This clearly falls within statutory

subject matter of 35 U.S.C. § 101 as a "process". It no longer reads, as the Examiner says, on the judicial exception of an "abstract idea". It is a process applied particularly for television programming.

The claims have been rejected over commonly assigned as publication 2006/0026642 A1 (Schaffer). The amendment currently presented for claim 1 distinguishes Schaffer from an anticipation standpoint, and also from an obviousness standpoint. As amended, claim 1 is now clearly related to the determination of a recommendation for a particular viewer which is generated at their location and using their data receiving apparatus. Thus, while the feedback is obtained from a selection of user's apparatus at other locations, the data is collated and processed at the viewer's own location and therefore is specific to them, especially if the processor also refers to the viewer's profile. Thus a plurality of viewers at different locations could be provided with different recommendations for television programmes which are best suited to them.

In contrast, in the prior art the aim is to provide a central processing capability which receives data from a number of users at different locations to provide an indication of the numbers of viewers watching specific types of programs in order to give the broadcast service provider information which they can subsequently use, for example, for future scheduling or advertising promotions. Thus, in the prior art there is no processing or recommendations being made at the viewer location, instead data from a number of user locations is sent back to a centralised processing location for use by the broadcast service provider rather than for use for the viewers or users.

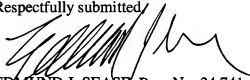
In view of the amendment presented and the remarks presented, it is submitted that claim 1, as currently amended, is clearly statutory and is neither anticipated nor obvious over the art of record. Reconsideration and allowance is requested.

Please consider this a Request for a Three-Month Extension of Time from May 1, 2008 to August 1, 2008 and charge Deposit Account No. 26-0084 the amount of \$1,050 for this extension.

No other fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



EDMUND J. SEASE, Reg. No. 24,741  
McKEE, VOORHEES & SEASE, P.L.C.  
801 Grand Avenue, Suite 3200  
Des Moines, Iowa 50309-2721  
Phone No: (515) 288-3667  
Fax No: (515) 288-1338  
**CUSTOMER NO: 22885**

Attorneys of Record

- bjh -